

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ART INSTITUTE OF PHILADELPHIA
LLC, *et al.*,¹

Debtors.

Chapter 7

Case No. 18-11535 (LSS)

(Jointly Administered)

¹ The Debtors are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): American Education Centers, Inc. (6160); Argosy Education Group, Inc. (5674); Argosy University of California LLC (1273); Brown Mackie College - Tucson, Inc. (4601); Education Finance III LLC (2533); Education Management LLC (6022); Education Management II LLC (2661); Education Management Corporation (9571); Education Management Holdings II LLC (2529); Higher Education Services II LLC (3436); Miami International University of Art & Design, Inc. (1065); South Education – Texas LLC (2573); South University of Florida, Inc. (9226); South University of Michigan, LLC (6655); South University of North Carolina LLC (9113); South University of Ohio LLC (9944); South University of Virginia, Inc. (9263); South University, LLC (7090); Stautzenberger College Education Corporation (4675); TAIC-San Diego, Inc. (1894); TAIC-San Francisco, Inc. (9487); The Art Institutes International Minnesota, Inc. (6999); The Art Institute of Atlanta, LLC (1597); The Art Institute of Austin, Inc. (3626); The Art Institute of California-Hollywood, Inc. (3289); The Art Institute of California-Inland Empire, Inc. (6775); The Art Institute of California - Los Angeles, Inc. (4215); The Art Institute of California-Orange County, Inc. (6608); The Art Institute of California-Sacramento, Inc. (6212); The Art Institute of Charleston, Inc. (6048); The Art Institute of Charlotte, LLC (4912); The Art Institute of Colorado, Inc. (3062); The Art Institute of Dallas, Inc. (9012); The Art Institute of Fort Lauderdale, Inc. (0255); The Art Institute of Houston, Inc. (9015); The Art Institute of Indianapolis, LLC (6913); The Art Institute of Las Vegas, Inc. (6362); The Art Institute of Michigan, Inc. (8614); The Art Institute of Philadelphia LLC (7396); The Art Institute of Pittsburgh LLC (7441); The Art Institute of Portland, Inc. (2215); The Art Institute of Raleigh-Durham, Inc. (8031); The Art Institute of St. Louis, Inc. (9555); The Art Institute of San Antonio, Inc. (4394); The Art Institute of Seattle, Inc. (9614); The Art Institute of Tampa, Inc. (6822); The Art Institute of Tennessee-Nashville, Inc. (5359); The Art Institute of Virginia Beach LLC (2784); The Art Institute of Washington, Inc. (7043); The Art Institutes International II LLC (9270); The Illinois Institute of Art at Schaumburg, Inc. (3502); The Illinois Institute of Art, Inc. (3500); The Institute of Post-Secondary Education, Inc. (0283); The New England Institute of Art, LLC (7798); The University of Sarasota, Inc. (5558); Western State University of Southern California (3875).

GEORGE L. MILLER, Chapter 7 Trustee,

Plaintiff,

v.

Adv. Proc. No. 20-50627 (LSS)

TODD S. NELSON, JOHN R. McKERNAN,
SAMUEL C. COWLEY, EDWARD WEST,
MARK A. McEACHEN, FRANK JALUFKA,
J. DEVITT KRAMER, MARK NOVAD, JOHN
DANIELSON, AND MICK BEEKHUIZEN,

Defendants.

**STIPULATION EXTENDING TIME TO
REPLY IN SUPPORT OF MOTIONS TO DISMISS**

Plaintiff George L. Miller (the “Plaintiff”) and defendants Todd S. Nelson, John R. McKernan, Samuel C. Cowley, Edward West, Mark A. McEachen, Frank Jalufka, J. Devitt Kramer, Mark Novad, John Danielson, and Mick Beekhuizen (the “Defendants,” and together with the Plaintiff, the “Parties”), by and through their respective undersigned counsel, hereby stipulate and agree as follows:

1. On June 17, 2020, the Plaintiff filed the complaint [D.I. 1] (the “Complaint”) commencing the above-captioned adversary proceeding.

2. On August 11, 2020, the Parties filed a stipulation [D.I. 17] extending (a) the date by which each Defendant would be required to answer, move, or otherwise respond to the Complaint to September 14, 2020, (b) the date by which the Plaintiff would file his opposition to any motion filed in response to the Complaint to November 13, 2020, and (c) the date by which each Defendant would reply in further support of any motion filed in response to the Complaint to December 14, 2020.

3. The Defendants filed motions to dismiss the Complaint (the “Motions to Dismiss”) on September 14, 2020, and the Plaintiff filed oppositions to the Motions to Dismiss on November 13, 2020.

4. The Parties agree that the date by which each Defendant may file his reply in further support of the Motions to Dismiss (the “Reply Deadline”) is hereby extended to December 21, 2020.

5. This stipulation is without prejudice to any application for, or agreement or stipulation to, a further extension of the Reply Deadline.

[Remainder of page left intentionally blank]

Dated: December 2, 2020

**PACHULSKI STANG ZIEHL &
JONES LLP**

/s/ Colin R. Robinson

Bradford J. Sandler (No. 4141)
Colin R. Robinson (No. 5524)
919 North Market Street, 17th Floor
P.O. Box 8705
Wilmington, DE 19899 (Courier 19801)
Telephone: (302) 652-4100
Facsimile: (302) 652-4400
E-mail: bsandler@pszjlaw.com
crobinson@pszjlaw.com

- and -

Steven M. Coren (admission
pro hac vice granted)
Benjamin M. Mather (admission
pro hac vice granted)
Francis X. Lane (admission
pro hac vice granted)
Kaufman, Coren & Ress, P.C.
Two Commerce Square, Suite 3900
2001 Market Street
Philadelphia, PA 19103
(215) 735-8700

*Counsel for George L. Miller,
Chapter 7 Trustee*

Dated: December 2, 2020

RICHARDS, LAYTON & FINGER, P.A.

/s/ Marcos A. Ramos

Marcos A. Ramos (No. 4450)
Brett M. Haywood (No. 6166)
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
Email: ramos@rlf.com
haywood@rlf.com

- and -

Blanca F. Young
J. Max Rosen
MUNGER, TOLLES & OLSON LLP
560 Mission Street, 27th Floor
San Francisco, CA 94105
Telephone: (415) 512-4000
Facsimile: (415) 644-6919

- and -

Joseph D. Lee
Seth Goldman
MUNGER, TOLLES & OLSON LLP
350 South Grand Avenue, 50th Floor
Los Angeles, CA 90071
Telephone: (213) 683-9100
Facsimile: (214) 969-4343

*Counsel for Defendants Todd S. Nelson and
Sam Cowley*

**YOUNG CONAWAY STARGATT &
TAYLOR, LLP**

/s/ Sean M. Beach

Sean M. Beach (No. 4070)
Kevin A. Guerke (No. 4096)
Rodney Square
1000 North King Street
Wilmington, DE 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
E-mail: sbeach@ycst.com
kguerke@ycst.com

-and-

**PORTER WRIGHT MORRIS & ARTHUR
LLP**

Thomas S. Jones (Pennsylvania ID #71636)
(*pro hac vice*)
6 PPG Place, Third Floor
Pittsburgh, PA 15222
Telephone: (412) 235-4500
Email: tjones@porterwright.com

-and-

Andrew S. Nicoll (Ohio 0087156) (*pro hac
vice*)
Syed Ahmadul Huda (Ohio 0098633) (*pro
hac vice*)
Ryan L. Graham (Ohio 0093826) (*pro hac
vice*)
41 South High Street, 29th Floor
Columbus, OH 43215
Telephone: (614) 227-2000
Facsimile: (614) 227-2100
Emails: anicoll@porterwright.com
ahuda@porterwright.com
rgraham@porterwright.com

*Counsel for Defendants J. Devitt
Kramer and Mark Novad*

RICHARDS, LAYTON & FINGER, P.A.

/s/ Marcos A. Ramos

Marcos A. Ramos (No. 4450)
Brett M. Haywood (No. 6166)
One Rodney Square
920 North King Street
Wilmington, DE 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701
Email: ramos@rlf.com
haywood@rlf.com

- and -

Michael L. Kichline, *pro hac vice*
MORGAN, LEWIS & BOCKIUS LLP
1701 Market St.
Philadelphia, PA 19103
Telephone: (215) 963-5000
Facsimile: (215) 963-5001
Email: michael.kichline@morganlewis.com

- and -

Robert O'Leary, *pro hac vice*
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105
Telephone: (415) 442-1000
Facsimile: (415) 442-1001
Email: bob.oleary@morganlewis.com

*Counsel for Defendants John R. McKernan,
Edward West, and Mick Beekhuizen*

**YOUNG CONAWAY STARGATT &
TAYLOR, LLP**

/s/ Sean M. Beach

Sean M. Beach (No. 4070)
Kevin A. Guerke (No. 4096)
Rodney Square
1000 North King Street
Wilmington, DE 19801
Telephone: (302) 571-6600
Facsimile: (302) 571-1253
E-mail: sbeach@ycst.com
kguerke@ycst.com

-and-

SIDLEY AUSTIN LLP

Chad S. Hummel (*admitted pro hac vice*)
Alexis Miller Buese (*admitted pro hac vice*)
1999 Avenue of the Stars, 17th Floor
Los Angeles, CA 90067
Telephone: 310-595-9500
Facsimile: 310-595-9501
E-mail: chummel@sidley.com
alexis.buese@sidley.com

Sam Newman (*admitted pro hac vice*)
Anna Gumport (*admitted pro hac vice*)
555 West Fifth Street
Los Angeles, CA 90013
Telephone: 213-896-6000
Facsimile: 213-896-6600
E-mail: sam.newman@sidley.com
agumport@sidley.com

Tiffanie N. Limbrick (*admitted pro hac vice*)
2021 McKinney Avenue, Suite 2000
Dallas, TX 75287
Telephone: 214-981-3300
Facsimile: 214-981-3400
E-mail: tlimbrick@sidley.com

*Counsel for Defendants Mark McEachen,
Frank Jalufka, and John Danielson*